

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
NORTHERN DIVISION

No. 2:11-CR-40-1H

UNITED STATES OF AMERICA	)	
	)	
v.	)	ORDER
	)	
BENITO ARMENDARIZ TAMEZ,	)	
	)	
Defendant.	)	

This matter is before the court on the following motions of defendant: motion pursuant to 18 U.S.C. § 3582(c)(2) for reduction of sentence based on the retroactive crack cocaine guideline amendment, [DE #129]; motion for due process, [DE #130]; second motion for due process, [DE #135]; and third motion for due process, [DE #136].

The court previously granted a reduction in sentence to defendant pursuant to 18 U.S.C. § 3582(c)(2) based on the retroactive crack cocaine guideline amendment 782. [DE #120]. The court has attached a copy of its previous order for defendant's convenience. The court has carefully considered defendant's motion, [DE #129], as well as the record in this matter, and finds no further relief is warranted. Therefore, the court DENIES defendant's motion, [DE #129]. Defendant's motions for due process, [DE #130, DE #135, and DED #136] are terminated as MOOT.

This 23<sup>rd</sup> day of July 2019.

  
MALCOLM J. HOWARD  
Senior United States District Judge

## UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America

v.

Benito Armendariz Tamez

)

)

)

Case No: 2:11-CR-40-1H

USM No: 28188-057

Date of Original Judgment: October 17, 2012

Date of Previous Amended Judgment: \_\_\_\_\_

(Use Date of Last Amended Judgment if Any)

Cindy Bembry

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 156 months is reduced to 124 months in Count 1.

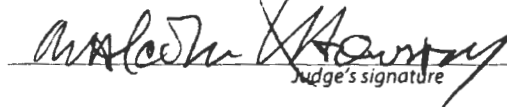
The sentences of imprisonment in Counts 2 and 3 remain 120 months and 24 months, respectively. The sentences in all counts shall run concurrently.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated October 17, 2012, shall remain in effect. **IT IS SO ORDERED.**

Order Date: 11/10/15


  
Judge's signature
Effective Date: \_\_\_\_\_  
(if different from order date)Malcolm J. Howard, Senior U.S. District Judge  
Printed name and title